S.B. Civil Misc. Appeal No.1578/2004

Dhapu Devi
vs
Chandramukhi & Ors.

DATE OF ORDER : - 12.10.2004

HON'BLE MR. PRAKASH TATIA,J.

Mr.Vineet Jain, for the appellant.

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Heard learned counsel for the appellant.

It appears from the order dated 29th July, 2004 that the order was passed on the basis of consent given by the advocates of both the parties. However, learned counsel for the appellant submits that the appellant never instructed to his advocate to give any concession. Such a plea cannot be entertained by the appellate court as the fact recorded in the order can be challenged only by moving appropriate application before the same court.

Learned counsel for the appellant prays that the trial court maybe directed to decide the suit expeditiously in a fixed time.

The request of learned counsel for the appellant appears to be just and,

therefore, it is ordered that the trial court shall decide the suit expeditiously preferably within a period of one year from the placing of this order before the trial court. The appellant undertakes to cooperate the court below in deciding the suit.

With this direction, the appeal of the appellant is dismissed.

(Prakash Tatia), J.

c.p.goyal/-